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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA
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9 JEAN PIERRE REY and ILZE
10 SILARASA,
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12 Plaintiffs,

13 v.
14 MICHEL REY, et al.,
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16 Defendants.

17 CASE NO. C14-5093 BHS
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19 ORDER GRANTING IN PART
20 AND DENYING IN PART
21 DEFENDANTS' PETITION FOR
22 AN AWARD OF FEES AND
23 COSTS

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25 This matter comes before the Court on Defendants Builders Surplus
26 Northwest Inc., Nevawa, Inc., Michel Rey, Renee Rey, US Growing Investments, Inc.,
27 US Investment Group Corporation, and Visitrade, Inc. ("Defendants") petition for an
28 award of fees and costs (Dkt. 79).

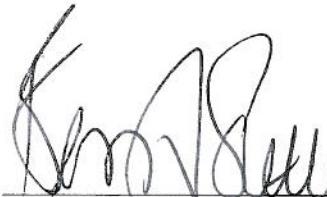
29 On August 12, 2014, the Court granted Defendants' request for fees and costs
30 because Plaintiffs Jean Pierre Rey and Ilze Silarasa ("Plaintiffs") improperly filed lis
31 pendens. Dkt. 78. On August 28, 2014, Defendants filed the instant petition. Dkt. 79.
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1 On September 3, 2014, Plaintiffs responded. Dkt. 81. On September 5, 2014,
2 Defendants replied. Dkt. 84.

3 In this case, Plaintiffs object to Defendants' request for costs and request for future
4 damages. With regard to the former, Defendants are entitled to their costs. *Szmania v.*
5 *Countrywide Homes Loans, Inc.*, 160 Wn. App. 1002, *7 ("Thus, under RCW
6 4.28.328(2) . . . the plaintiff must pay the defendant's attorney fees and costs."). With
7 regard to the latter, the Court agrees with Plaintiffs that the Court's order and removal of
8 the lis pendens should end the matter, and the Court declines to grant Defendants an open
9 ended option to file a motion for future damages. Therefore, the Court grants in part and
10 denies in part Defendants' petition and awards Defendants \$14,386.17 in fees and costs.

11 **IT IS SO ORDERED.**

12 Dated this 10 day of September, 2014.



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14 BENJAMIN H. SETTLE
United States District Judge

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